

REMARKS

Claims 27-37 and 46-47 are pending and at issue in the above-identified patent application. Claims 1-26 were canceled in a previous amendment, while claims 38-45 have been canceled herein without prejudice to their further prosecution. Dependent claim 46 and independent claim 47 have been added herein. Amended claim 27, new dependant claim 46, and new independent claim 47 do not present new subject matter. In view of the foregoing claim amendments and the following remarks, it is respectfully submitted that all pending claims are in a condition for allowance. Accordingly, reconsideration of the application and allowance thereof are respectfully requested.

Claim Rejections under 35 U.S.C. § 102

Claims 27-45 stand rejected under 35 U.S.C. § 102(b) as anticipated by Hageman et al. (U.S. 4,784,567). As detailed in the above listing of the claims, claims 38-45 have been canceled, leaving claim 27 and claim 47 as independent claims.

Independent claim 27 relates to a method of operating a vehicle brace engagable adjacent a vehicle's rear edge as material handling equipment traverses the rear edge. The method of claim 27 comprises continuously exerting upon the vehicle brace an upward biasing force to urge the vehicle brace to a raised, stored position, and selectively causing the vehicle brace to apply a reactive upward force adjacent the vehicle's rear edge. The claim further specifies that the reactive upward force minimizes downward movement of the vehicle's rear edge that would otherwise result from the applied weight of the material handling equipment. Independent claim 47 also relates to a method of operating a vehicle brace engagable adjacent a vehicle's rear edge. The method of claim 47 comprises causing the vehicle brace to apply a

reactive upward force adjacent the vehicle's rear edge. The upward force continuously exerts an upward biasing force upon the vehicle brace to urge the vehicle brace to a raised, stored position. The reactive upward force responsively minimizes downward movement of the vehicle's rear edge that would otherwise result from the applied weight of the material handling equipment.

Hageman et al. do not disclose, teach, or suggest a method of operating a vehicle brace that includes continuously exerting an upward biasing force on the vehicle brace to bias the vehicle brace to a raised, stored position, or a method of causing a vehicle brace to apply a continuously reactive upward force to urge the vehicle brace to a raised, stored position.

The alleged vehicle brace of Hageman et al. is "disposed to move vertically on the guide frame between a lower inoperative position and an upper operative position where the hook is engaged with the ICC bar" (col. 1, ll. 59-62). Hageman further teaches introducing air into the lower end of a cylinder to "move the hook from the [lowered] inoperative position to the [raised] operative position where the hook will engage the ICC bar" (col. 2, ll. 2-4). Thus, Hageman et al. clearly disclose an alleged vehicle brace that is stored at a lowered, inoperative position and can be selectively moved to a raised, operative position. Hageman et al. do not disclose teach, or suggest a method of operating a vehicle brace that includes continuously exerting upon the vehicle brace an upward biasing force to urge the vehicle brace to a raised, stored position, or a method of causing a vehicle brace to apply a continuously reactive upward force to urge the vehicle brace to a raised, stored position.

Nor do Hageman et al. disclose, teach, or suggest a method that includes selectively causing the vehicle brace to apply a reactive upward force adjacent the vehicle's rear edge, wherein the reactive upward force is large enough to minimize

downward movement of the vehicle's rear edge that would otherwise result from the applied weight of the material handling equipment. Furthermore, Hageman et al. do not disclose, teach, or suggest a method that includes a vehicle brace providing an upward biasing force to responsively minimize the downward movement of the vehicle's rear edge that would otherwise result from the applied weight of the material handling equipment.

As detailed in the Response filed on June 20, 2007 (pages 6-9), a primary goal of Hageman et al. is to accommodate vertical movement of the vehicle as it is loaded or unloaded, not to minimize the downward movement. Specifically, Hageman et al. state that, "[d]ue to the compressible nature of the fluid within the cylinder, the hook can be moved downwardly by the ICC bar to follow downward float of the truck bed . . ." (col. 2, ll. 4-7). Thus, Hageman et al. do not disclose, teach, or suggest a method that includes selectively causing the vehicle brace to apply a reactive upward force adjacent the vehicle's rear edge, wherein the reactive upward force minimizes and/or responsively minimizes the downward movement of the vehicle's rear edge that would otherwise result from the applied weight of the material handling equipment.

For at least the foregoing reasons, Hageman et al. cannot anticipate independent claims 27 or 47. Therefore, claims 27 and 47 and the claims dependent thereon are in a condition for allowance. The applicants respectfully request such allowance.

Conclusion

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

The Commissioner is hereby authorized to credit or charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-2455.

Respectfully submitted,

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